Intermec Technologies Corp. v. Palm, Inc.

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EXHIBIT 4

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES NOREM, on behalf of himself and others similarly situated, Plaintiff, v. NETFLIX, INC., and WALMART.COM USA LLC, Defendants.	Civil Action No. CV-09-00956-MJ **STIPULATION OF RELATION PURSUANT TO LOCAL CIVIL RULE 3-12**

Pursuant to Local Civil Rule 7-11(a), Defendants Walmart.com USA LLC, and Netflix, Inc. ("Defendants") and Plaintiff James Norem ("Plaintiff"), hereby stipulate:

WHEREAS, on or about January 28, 2009, Plaintiff filed a complaint in the Superior Court of the State of California in and for the County of Santa Clara, *Norem v. Walmart.com USA LLC*, Civil Action No. CV-09-00956-MJ ("*Norem*"), in which Plaintiff seeks to assert claims for alleged antitrust violations under California's Cartwright Act, Cal. Bus. & Prof. Code §§ 16720, 16727. On March 4, 2009, Defendant Walmart.com USA LLC removed this action to the United States District Court for the Northern District of California;

WHEREAS, on or about January 2, 2009, Plaintiffs Andrea Resnick, Gary Bunker, John Halby, Amy Latham, Eric Roslansky, and Kevin Simpson ("*Resnick* Plaintiffs") filed the complaint in *Resnick v. Walmart.com USA LLC et al.*, Civil Action No. CV-09-00200-PJH ("*Resnick*"), in which the *Resnick* Plaintiffs seek to assert claims for alleged antitrust violations under the Sherman Act, 15 U.S.C. §§ 1 and 2;

WHEREAS, it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases pending in this Court are conducted before different Judges in this Court;

WHEREAS, Plaintiff will not oppose Defendant Walmart.com USA LLC's Administrative Motion to Consider Relating *Norem* and *Resnick*;

NOW, THEREFORE, Plaintiffs and Defendants, by and through their respective attorneys of record, stipulate that the present action is related to *Resnick*, within the meaning of Local Civil Rule 3-12.

Dated: March 9, 2009.

Respectfully submitted,

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